APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,579	07/23/2003	Graham Oldfield	5035-151US	7733

7590 05/18/2006	EXAMINER
Richard C. Woodbridge, Esq. Synnestvedt Lechner & Woodbridge, LLP P.O. Box 592 Princeton, NJ 08542-0592	PHAM, TAMMY T

ART UNIT	PAPER NUMBER
2629	

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/625,579	OLDFIELD, GRAHAM
	Examiner	Art Unit	
	Tammy Pham	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *16 February 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

Claims 1, 3, 10, 12 and 17 have been amended. Claim 18 has been added. Claims 1-18 are

pending.

Claim Objections

Claim 18 is objected to because of the following informalities: the lettering of the

method is in incorrect order, in particular step (c) is repeated three times. Please re-letter steps c-

c-d-e-c to c-d-e-f-g. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Doyle (US

Patent No: 4,847,604).

As for claims 1 and 10, Doyle teaches of a method {claim 1} and a computing device

adapted {claim 10} of establishing which control area shown on a display of a computing device

has been selected by a user; the method comprising the steps of:

(a) representing each of a set of device control actions by one of a set of unique colors using a predefined lookup table;

(b) associating each of a plurality of selectable control areas of the display with one of the set of unique colors in a color mask;

(c) storing the color mask in a memory of the computer device;

(d) generating a set of co-ordinates for a contact location on the display while the color mask is not displayed on the display;

(e) retrieving the color mask color by obtaining the color assorted with a pixel in the color mask at a location corresponding to the set of co-ordinates; and

(f) establishing the control area and the device control action which is associated with the same color as the retrieved color in column 8, lines 11-26.

As for claims 1 and 11, Doyle teaches of the color mask is obtained using a bit map of the control areas in column 6, lines 49-53.

As for claims 3 and 12, Doyle teaches of a table of the set of unique colors is stored in device memory, together with a reference to each associated selectable control area in column 7, lines 38-51.

As for claims 4 and 13, Doyle teaches of each of the unique colors in the table is represented as an unsigned integer in Fig. 2.

As for claims 5 and 14, Doyle teaches of each of the unique colors in the color mask is

represented as an unsigned integer and the unsigned integer representing the color at the set of

co-ordinates is compared against each unsigned integer in the table until a match is found in

column 8, lines 19-26.

As for claims 6 and 15, Doyle teaches of when a match is found, the corresponding

selectable control area is then established using the table in column 8, lines 19-26.

As for claims 7 and 16, Doyle teaches that a selectable control area can be any arbitrary

shape so long as the color mask region corresponding to that arbitrary shape can be filled with a

single color in Fig. 1.

As for claim 8, Doyle teaches that the arrangement or design of the different selectable

control areas is updatable to a different arrangement or design by altering the bit map of the

control areas and the color mask in column 1, lines 50-60.

As for claim 9, Doyle teaches that altering the bit map of the control areas and the color

mask is performed using a paint application in column 1, lines 50-60..

As for claim 17, Doyle teaches of an application software programmed to run on a

computing device, in which the application software causes each of several different selectable

control areas to be displayed on the device and comprises a color mask that is not displayed on

the device, the color mask being made up of regions that each correspond to one of the control

areas and are each colored in a unique color in column 8, lines 11-26.

As for claim 18, Doyle teaches of a method of establishing which control area shown on

a display of a computing device has been selected by a user, the method comprising the steps of:

(a) defining a plurality of selectable control-areas by displaying on the display a control

bitmap comprising a plurality of non-rectangular icons;

(b) associating the selectable control-areas with a color-mask having a plurality of

regions corresponding substantially in shape to the non-rectangular icons and wherein each of

the regions has an associated color-mask color;

(c) associating each of the color-mask with a specific device function;

(c) storing the color-mask in a device memory;

(d) generating a set of co-ordinates for a contact location on the display while displaying

the control bitmap;

(e) retrieving the color-mask color corresponding to that set of co-ordinates; and

(c) performing the specific device function associated with the retrieved color mask color

in column 8, lines 11-26.

Response to Arguments

Applicant's arguments with respect to claims 1-18 have been considered but are moot in

view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this
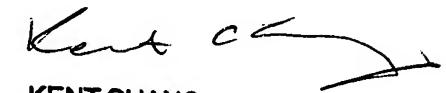
final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tammy Pham whose telephone number is (571) 272-7773. The

examiner can normally be reached on 8:00-5:30 (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tammy Pham
May 2, 2006

KENT CHANG
PRIMARY EXAMINER